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5 **UNITED STATES DISTRICT COURT**  
6 **DISTRICT OF NEVADA**

7  
8 Dennis R. Miller, an individual, and  
Omni Block, a Nevada Corporation,

9 Plaintiff,

10 v.

11 Edward M. Weinmann, an individual,  
12 and Advanced Masonry Consulting  
13 Inc., a Florida Corporation,

14 Defendants.

15  
16 Edward M. Weinmann, an individual,

17 Counterclaimant,

18 v.

19  
20 Dennis R. Miller, an individual, and  
21 Omni Block, a Nevada Corporation,

22 Counter-  
23 Defendants.  
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Case No.: 2:19-CV-02213-JCM-DJA

**JOINT PRETRIAL ORDER**

1 Dennis Miller (“Miller”) and Omni Block (“Omni Block”) (collectively  
2 “Plaintiffs”) and Edward M. Weinmann (“Weinmann”) and Advanced Masonry  
3 Consulting, Inc. (collectively “Defendants”), by and through their respective counsel  
4 of record, hereby submit this Joint Pretrial Order.

5  
6 **I.**  
**NATURE OF THE ACTION AND PLEADINGS**

7  
8 **A. Plaintiffs’ Contentions**

9 This is a trademark infringement and unfair competition action arising from  
10 an Independent Contractor Agreement (“ICA”) between Miller and Weinmann.  
11 Plaintiffs allege that Weinmann has used Plaintiffs’ trademark for the name Omni  
12 Block to secure agreements to supply insulated cement blocks on various  
13 construction projects.

14  
15 Plaintiffs further allege that Defendants were seeking to usurp projects for  
16 their own benefit at the detriment of Plaintiffs. Even after the ICA was purportedly  
17 terminated, Weinmann continued to pose as a representative of Omni Block while  
18 interacting with Plaintiffs’ Licensees. Weinmann’s actions were orchestrated to  
19 determine the nature of confidential projects so that he and his company Advanced  
20 Masonry could bid on jobs against Plaintiffs and its Licensees requiring cement  
21 blocks and insulating inserts.

22  
23 Weinmann and Advanced Masonry have improperly used Plaintiffs’  
24 trademark to interfere with at least two major projects, namely the (i) Orlando  
25 International Airport (“Airport Project”) and (ii) a building to be built at 640  
26 Columbia Avenue in Brooklyn, New York (“640 Columbia Project”). Plaintiffs’  
27  
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Licensees bid on both projects and were considered the front runners to secure the same. That is, until Defendants began interfering with the projects for their own benefit by using Plaintiffs' trademark and otherwise unfairly competing with Plaintiffs' by purporting to remain associated with Plaintiffs' business and passing off their insulated cement blocks as the Omni Block manufactured/supplied by Plaintiffs.

### **B. Defendants' Contentions**

Defendants contend that this is a spite case, and that Plaintiffs are aware that their claims against Defendants are baseless. This Court has already entered summary judgment against Plaintiffs on six of their eight claims, and thus Plaintiffs have two remaining claims: (1) trademark infringement and (2) unfair competition under the Lanham Act. Those remaining claims also lack merit, and at trial Plaintiffs will be unable to establish any evidence of customer confusion. Further, the evidence will establish that any use by Defendants of the Omni mark was protected by the doctrine of fair use.

Defendants have asserted counterclaims for (1) breach of contract, (2) contractual breach of the implied covenant of good faith and fair dealing, (3) intentional interference with contractual relations<sup>1</sup> and (4) fraud. Defendants allege that Plaintiffs failed to pay Weinmann all commissions owed pursuant to the ICA. Additionally, Defendants allege that Plaintiffs knowingly made fraudulent representations regarding the Omni Block product's R value. The evidence will show that even though the Omni Block's Thermal Tables and Calculations contain

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<sup>1</sup> Defendants will not be pursuing their intentional interference claim at trial.

1 the signature and stamp of an architect, in reality the calculations were simply  
2 calculated by Miller and have no basis in fact. Had Weinmann known the falsity of  
3 the Omni Block R values, he never would have associated himself with the company  
4 or Miller.

5  
6 **II.**  
**STATEMENT OF JURISDICTION**

7  
8 This Court has original subject matter jurisdiction over this controversy  
9 under 28 U.S.C. §1332 as the parties are of diverse citizenship and the amount in  
10 controversy exceeds \$75,000.

11  
12 **III.**  
**STATEMENT OF STIPULATED FACTS**

13 The following facts are admitted by the parties and require no proof:

- 14 1. Omni Block Inc. is a corporation formed in 1993 under the laws of the  
15 state of Nevada.
- 16 2. Dennis Miller is the founder and President of Omni Block, Inc.
- 17 3. Omni Block Inc. is a business focused on concrete building blocks and  
18 compatible insulating inserts.
- 19 4. Edward Weinmann is a resident of the state of Florida.
- 20 5. Advanced Masonry Consulting, Inc. is a corporation formed in 2018  
21 under the laws of the state of Florida.
- 22 6. Edward Weinmann is the founder and President of Advanced Masonry  
23 Consulting, Inc.
- 24 7. In 2006, Edward Weinmann first learned of Omni Block, Inc. and  
25 contacted Dennis Miller regarding the Omni Block Inc. business.
- 26  
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1 use?

2 5. Did Defendants pass off their cement blocks and/or insulation inserts  
3 as those of Omni Block with respect to the Airport Project and/or the 640 Columbia  
4 Project?

5 6. Did Plaintiffs perform under the terms of the ICA?

6 7. To the extent Plaintiffs did not perform under the terms of the ICA ,  
7 was that nonperformance excused?

8 8. Did Plaintiffs perform in a manner that was in violation of or unfaithful  
9 to the spirit of the ICA (the terms of the contract are complied with in a literal sense,  
10 but the spirit of the contract is breached)?

11 9. Did Plaintiffs make false and misleading statements to Edward  
12 Weinmann regarding the R value of the Omni Block product with the intent that  
13 Edward Weinmann would rely upon those false statements?

14 10. Did Edward Weinmann justifiably rely upon Plaintiffs' false  
15 representations regarding the R value of the Omni Block product?

16 11. Was Edward Weinmann damaged as a result of his reliance upon  
17 Plaintiffs' false representations regarding the R value of the Omni Block product?

18 14. Are Plaintiffs entitled to damages and, if yes, what damages will  
19 compensate Plaintiffs?

20 15. Is Weinmann entitled to damages and, if yes, what damages will  
21 compensate Weinmann?

**VI.**  
**STATEMENT OF ISSUES OF LAW**

**A. Trademark Infringement**

1. Do Plaintiffs own a valid protectable mark?
2. Did Plaintiffs establish common law trademark rights?
3. Did Defendants use the same or a similar mark in commerce without Plaintiffs' consent?
4. To the extent Defendants used a same or similar mark, did the use of the mark by Defendants likely cause confusion as to the affiliation, connection or association of Defendants with Plaintiffs, or as to the origin, sponsorship, or approval of Defendants' goods, services or commercial activities by another person?
5. To the extent that Defendants used a same or similar mark, did the use of the mark by Defendants likely cause confusion as based on the factors set forth in *In re E.I. DuPont du Nemours & Co.*, 476 F.2d 1357, 177 U.S.P.Q. 563 (C.C.P.A. 1973).
6. In the event it is determined that Defendants used the same or a similar mark, did that use constitute fair use?
7. If it is determined that Plaintiffs are entitled to an award of damages, have Plaintiffs established the amount of his damages with reasonable certainty?
8. If it is determined that Plaintiffs are entitled to an award of damages, were the established amount of damages reasonable and foreseeable?

**B. Unfair Competition**

1. Did Defendants, on or in connection with any goods or services, or any container of goods, use in commerce any word, term, name, symbol, or device, or any combination thereof, or any false or misleading representation of fact, which is likely to cause confusion, or to cause mistake or to deceive as to the affiliation, connection, or association of such persons with another person, or as to the origin, sponsorship, or approval of his or her goods, services, or commercial activities by another person.

2. In the event it is determined that Defendants used the same or a similar mark, did that use constitute fair use?

3. If it is determined that Plaintiffs are entitled to an award of damages, have Plaintiffs established the amount of his damages with reasonable certainty?

4. If it is determined that Plaintiffs are entitled to an award of damages, were the established amount of damages reasonable and foreseeable?

**C. Defendants' Counterclaims**

1. Did Plaintiffs breach the ICA?

2. Did Plaintiffs breach the implied covenant of good faith and fair dealing?

3. Did Plaintiffs' breach of the ICA cause Weinmann harm?

4. Did Plaintiffs knowingly make false representations to Weinmann regarding the R value of the Omni Block product?

5. Was Weinmann's reliance upon Plaintiffs' false statements reasonable?

6. If it is determined that Weinmann is entitled to an award of damages, is



Weinmann able to establish the amount of his damages with reasonable certainty?

7. If it is determined that Weinmann is entitled to an award of damages, were Weinmann's claimed damages reasonable and foreseeable?

8. If it is determined that Weinmann is entitled to an award of damages, did Weinmann mitigate his damages?

## **VII.** **TRIAL EXHIBITS**

### **A. EXHIBITS**

Exhibits 1 and 2 hereto list Plaintiffs' and Defendants' trial exhibit lists and objections thereto.

### **B. DEPOSITIONS**

#### **1. Plaintiffs will offer the following depositions:**

Edward Weinmann. 62:1-12; 64:22-65:7; 65:1-66-5; 98:11-99-8; 113:5-115:16; 117:3-118:5; 117:3-118:5; 121:5-122:5; 146:14-147:1, 151:2-10; 158:3-159:3; 161:1-17; 164:15-25; 166:1-167:2; 186:11-188:5; 198:23-199:10.

#### **2. Defendants will offer the following depositions:**

Dennis Miller. 12:8-13:7; 15:15-17:10; 18:25-31:13; 32:22-36:9; 36:18-37:16; 39:2-40:13; 47:12-50:1; 52:18-57:14; 119:3-18; 206:19-221:22.

### **C. OBJECTIONS TO DEPOSITIONS:**

#### **1. Defendants Object to Plaintiffs' Depositions as Follows:**

Edward Weinmann:

62:1-12. Incomplete (FRE 106), counter designation 62:13-63:2.

113:5-115:16. Hearsay (FRE 801). Lack of Personal Knowledge (FRE 602). Relevance (FRE 402).

117:3-118:5. Relevance (FRE 402).

121:5-122:5. Incomplete (FRE 106), counter designation 119:4-121:4.

146:14-147:1. Hearsay (FRE 801). Incomplete (FRE 106), counter designation 147:6-16.

158:3-159:3. Incomplete (FRE 106), counter designation 158:1-2, 159:4-19, 161:18-22.

164:15-25. Lack of Personal Knowledge (FRE 602); Incomplete (FRE 106), counter designation 165:1-4.

166:1-167:2. Incomplete (FRE 106), counter designation 167:3-168:25.

## **2. Plaintiffs Object to Defendants' Depositions as Follows:**

Dennis Miller:

12:8-13:7. Incomplete (FRE 106), counter designation 11:9-14:2 and relevance (FRE 402).

15:15-17:10. Incomplete (FRE 106), counter designation 15:6-18:8 and relevance (FRE 402).

18:25-31:13. Incomplete (FRE 106), counter designation 18:21-31:13 relevance (FRE 402).

32:22-36:9. Incomplete (FRE 106), counter designation 13:16-36:10 relevance (FRE 402).

36:18-37:16. Relevance (FRE 402).

39:2-40:13. Incomplete (FRE 106), counter designation 38:23-40:13 and relevance (FRE 402).

47:12-50:1. Relevance (FRE 402).

52:18-57:14. Hearsay (FRE 801), incomplete (FRE 106), counter designation 50:2-57:14 and relevance (FRE 402).

119:3-18. Relevance (FRE 402).

206:19-221:22. Hearsay (FRE 801), incomplete (FRE 106), counter designation 206:2-222:5 and relevance (FRE 402).

**VIII.**  
**ELECTRONIC EVIDENCE**

Plaintiffs and Defendants each intend to use electronic evidence for purposes of jury deliberations.

**IV.**  
**WITNESSES**

The following witnesses may be called by the parties at trial:

**A. PLAINTIFFS' WITNESSES**

1. Dennis R. Miller  
702-518-1239  
7465 W. Lake Mead Blvd.  
Las Vegas, NV
2. Robert Carmody  
336-275-9114  
333 N. Greene Street, Suite 201  
Greensboro, NC 27401
3. John Orsina  
860-399-6201  
Westbrook Block  
439 Spencer Plains Rd.  
Westbrook, CT 06498

4. John Maher  
860-399-6201  
Westbrook Block  
439 Spencer Plains Rd.  
Westbrook, CT 06498
5. James Smits  
616-931-3535  
10694 Chicago Dr.  
Zeeland, MI 49464
6. Sean Delaney  
860-399-6201  
Westbrook Block  
439 Spencer Plains Rd.  
Westbrook, CT 06498
7. Virna Reynoso - owner of Reyco Contracting Solutions  
850-466-2761  
96 E. Nine Mile Road, Suite F  
Pensacola, FL 32584
8. Eric Long – CEO EP Henry  
800-44HENRY  
EP Henry  
201 Park Avenue  
Woodbury, NJ 08096
9. Edward Weinmann  
c/o Howard & Howard Attorneys PLLC  
Wells Fargo Tower, Suite 1000  
3800 Howard Hughes Parkway  
Las Vegas, Nevada 89169-5980  
(702) 257-1483
10. Joe Dudley – VP Sales & Operations  
Florida Silica Sand Company  
1705 Sammonds Rd.  
Plant City, FL 33563

11. Jett Miller  
702-518-1239  
7465 W. Lake Mead Blvd.  
Las Vegas, NV

**B. DEFENDANTS' WITNESSES**

1. Edward Weinmann  
c/o Howard & Howard Attorneys PLLC  
Wells Fargo Tower, Suite 1000  
3800 Howard Hughes Parkway  
Las Vegas, Nevada 89169-5980  
(702) 257-1483

2. Dennis Miller  
c/o FisherBroyles, LLP  
5670 Wilshire Blvd., Suite 1800  
Los Angeles, California 90036

3. Person With Most Knowledge  
Omni Block Inc.  
c/o FisherBroyles, LLP  
5670 Wilshire Blvd., Suite 1800  
Los Angeles, California 90036

4. John Reedy  
1200 Governors Ln.  
Zionsville, IN, 46077  
Jpreedy49@att.net

5. Brian Budnick  
Besser Company  
801 Johnson St.  
Alpena, MI 49707  
(O) 989-354-1012  
bbudnik@besser.com

6. Virna Reynoso  
Besser Co.  
801 Johnson St.

Alpena, MI 49707

7. Tom Norris  
Norris Architects, AIA  
475 Washington Blvd  
Marina del Rey, CA 90292  
(O) 424-387-1500  
tom@norrisarchitects.com
8. Matthew Buonocore  
Chief Financial Officer  
Oakcrest School  
1619 Crowell Road  
Vienna, VA 22182  
(O) 571-459-2776  
mbuonocore@oakcrest.org
9. Jean-Yves Milette  
Facilities Manager  
Oakcrest School  
1619 Crowell Road  
Vienna, VA 22182  
703 395 1601  
jmilette@oakcrest.org
10. Barry Diller  
Vice President of Sales, Nitterhouse Masonry Products, LLC  
859 Cleveland Ave.  
Chambersburg, PA 17201  
717-860-0578  
bdiller@nitterhouse.com
11. Jeff Miller  
Sales Representative, EP Henry  
201 Park Ave.  
Woodbury, NJ 08096  
215-356-0793  
jmiller@ephenry.com

**X.**  
**TRIAL DATES**

The attorneys for the Parties have met and jointly offer the following re: trial dates:

September 30, 2024;

October 7, 2024;

October 14, 2024 and

October 28, 2024.

It is expressly understood by the undersigned that the Court will set the trial of this matter on one of the agreed-upon dates if possible; if not, the trial will be set at the convenience of the Court's calendar.

**XI.**  
**TIME FOR TRIAL**

It is estimated that the trial will take a total of 4-5 days.

APPROVED AS TO FORM AND CONTENT:

Dated: May 21, 2024

Dated: May 21, 2024

/s/ Robert W. Hernquist

/s/ Rob L. Phillips

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ROBERT W. HERNQUIST  
HOWARD & HOWARD  
Attorneys for Defendants and  
Counterclaimants

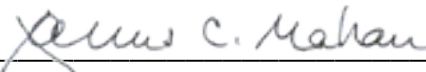
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ROB L. PHILLIPS  
FISHERBROYLES, LLP  
Attorneys for Plaintiffs and  
Counter-Defendants

**XII.**  
**ACTION BY THE COURT**

This case is set for Jury trial on the fixed stacked calendar on **October 7, 2024, at 9:00 a.m.** Calendar call will be held on **October 2, 2024, at 1:30 p.m..**

IT IS SO ORDERED.

  
UNITED STATES DISTRICT JUDGE

DATE: May 23, 2024



# EXHIBIT 1

**Defendants' Trial Exhibit List**

| <b>Defendants' Trial Exhibit</b> | <b>Description</b>  | <b>Objections</b>   | <b>Date Offered</b> | <b>Date Admitted</b> |
|----------------------------------|---|---|---------------------|----------------------|
| 501                              | Independent Contractor Agreement (DEF 00097-00106)                              |   |                     |                      |
| 502                              | Termination Agreement (DEF 00119)   |   |                     |                      |
| 503                              | Email from Ed Weinmann to Jeff Miller dated 8/23/2018 (DEFT 00127-00129)        | Hearsay (FRE 801, 802, 805), Lack of Foundation or Personal Knowledge (FRE 602, 901), Relevance (FRE 402) |                     |                      |
| 504                              | Email chain b/w Ed Weinmann and Denny Miller dated 2/15/2019 (DEFT 00041-00043) |   |                     |                      |
| 505                              | Email from Ed Weinmann to John Reedy dated 2/24/2019 (DEFT 00080-00082)         | Hearsay (FRE 801, 802, 805), Lack of Foundation or Personal Knowledge (FRE 602, 901), Relevance (FRE 402) |                     |                      |
| 506                              | Email chain between Denny Miller and Ed Weinmann dated 2/27/2019 (DEFT 00203)   |   |                     |                      |
| 507                              | Email chain between Denny Miller and Ed Weinmann dated 3/1/2019 (DEFT 00201)    |   |                     |                      |

**Defendants' Trial Exhibit List**

| <b>Defendants' Trial Exhibit</b> | <b>Description</b>   | <b>Objections</b>   | <b>Date Offered</b> | <b>Date Admitted</b> |
|----------------------------------|--|---|---------------------|----------------------|
| 508                              | Email from Ted Kelly to Ed Weinmann dated 3/7/2019 (DEFT 00328-330)                          | Hearsay (FRE 801, 802, 805), Lack of Foundation or Personal Knowledge (FRE 602, 901), Relevance (FRE 402) |                     |                      |
| 509                              | Attachment to 3/7/2019 email from Kelly, infrared photo of Oakcrest in February (DEFT 00107) | Hearsay (FRE 801, 802, 805), Lack of Foundation or Personal Knowledge (FRE 602, 901), Relevance (FRE 402) |                     |                      |
| 510                              | Email from Denny Miller dated 4/19/2019 (DEFT 00001-00003)                                   |   |                     |                      |
| 511                              | Email chain between Denny Miller and Ed Weinmann dated 4/19/2019 (DEFT 00229-233)            |   |                     |                      |
| 512                              | Email from Denny Miller to Ed Weinmann dated 4/22/2017 (DEFT 0058)                           |   |                     |                      |
| 513                              | Email chain b/w Ed Weinmann and Denny Miller dated 5/30/2018 (DEFT 0045-00052)               |   |                     |                      |

| Defendants'<br>Trial Exhibit | Description | Objections | Date<br>Offered | Date<br>Admitted |
|------------------------------|-------------|------------|-----------------|------------------|
|------------------------------|-------------|------------|-----------------|------------------|

|     |  |   |  |  |
|-----|--|---|--|--|
| 514 | Email chain b/w Denny Miller and Ed Weinmann dated 6/4/2019 (DEFT 00117-00118)     |   |  |  |
| 515 | Email from Virna Reynoso to Ed Weinmann dated 6/6/2019 (DEFT 00169)                | Hearsay (FRE 801, 802, 805), Lack of Foundation or Personal Knowledge (FRE 602, 901), Relevance (FRE 402) |  |  |
| 516 | Email chain between Denny Miller and Ed Weinmann dated 6/7/2019 (DEFT 00010-00011) |   |  |  |
| 517 | Email chain between Denny Miller and Ed Weinmann dated 6/7/2019 (DEFT 00193)       |   |  |  |
| 518 | Email from Ed Weinmann to Denny Miller dated 6/7/2019 (DEFT 00113-00114)           |   |  |  |
| 519 | Email chain between Denny Miller and Ed Weinmann 6/8/2019 (DEFT 00195)             |   |  |  |
| 520 | Invoice to Omni for Unpaid Commissions (DEFT 00306)                                |   |  |  |
| 521 | Email from Ed Weinmann to John Maher dated 7/9/2019 (DEFT 00079)                   | Hearsay (FRE 801, 802, 805), Lack of Foundation or Personal Knowledge (FRE 602, 901),                     |  |  |

| <b>Defendants' Trial Exhibit</b> | <b>Description</b> | <b>Objections</b> | <b>Date Offered</b> | <b>Date Admitted</b> |
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|     |   |                     |  |  |
|-----|---|---------------------|--|--|
|     |   | Relevance (FRE 402) |  |  |
| 522 | Email chain between Denny Miller and Ed Weinmann dated 7/29/2019 (DEFT 00199-200) |                     |  |  |
| 523 | Email from Denny Miller to Ed Weinmann dated 9/19/2019 (DEFT 00053)               |                     |  |  |
| 524 | 8 inch Insulblock Stretcher Schematic (DEFT 0004)                                 | Relevance (FRE 402) |  |  |
| 525 | 12 inch Insulblock Stretcher Schematic (DEFT 0005)                                | Relevance (FRE 402) |  |  |
| 526 | Archived pages from Omni Block website (DEFT 00006-00009)                         | Relevance (FRE 402) |  |  |
| 527 | Omni Block website screen captures (DEFT 00120-124)                               | Relevance (FRE 402) |  |  |
| 528 | Omni Block 8 inch slide (DEFT 00125)  | Relevance (FRE 402) |  |  |
| 529 | Omni 8 inch slide with labels (DEFT 00339)  | Relevance (FRE 402) |  |  |
| 530 | Omni Block Brochure (DEFT 00340)  | Relevance (FRE 402) |  |  |
| 531 | Omni Block EX 7-1 (DEFT 00346)  | Relevance (FRE 402) |  |  |
| 532 | Omni Block Flyer for Mexico (DEFT 00423)  | Relevance (FRE 402) |  |  |
| 533 | R-Values 10 (DEFT 00440)  | Relevance (FRE 402) |  |  |

| <b>Defendants'<br/>Trial Exhibit</b> | <b>Description</b> | <b>Objections</b> | <b>Date<br/>Offered</b> | <b>Date<br/>Admitted</b> |
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|     |   |                     |  |  |
|-----|---|---------------------|--|--|
| 534 | R-Values Seismic 12 (DEFT 00441)  | Relevance (FRE 402) |  |  |
| 535 | Signed Omni Block Contract Westrbook (DEFT 00442)                             | Relevance (FRE 402) |  |  |
| 536 | Test Data Summary Brochure 7 15 2013 (DEFT 00463)                             | Relevance (FRE 402) |  |  |
| 537 | Test_Data_Summary 8in and 12in only (DEFT 00471)                              | Relevance (FRE 402) |  |  |
| 538 | Thermal Calculations 3 9 2013 (DEFT 00479)                                    | Relevance (FRE 402) |  |  |
| 539 | Thermal Calculations 8 x 8 x 16 May 2017 (DEFT 00514)                         | Relevance (FRE 402) |  |  |
| 540 | Thermal Calculations 12 x 8 x 16 2017 (DEFT 00526)                            | Relevance (FRE 402) |  |  |
| 541 | Thermal Calculations (DEFT 00541)   | Relevance (FRE 402) |  |  |
| 542 | Thermal Table 8 and 12 Half w-b (DEFT 00580)                                  | Relevance (FRE 402) |  |  |
| 543 | Thermal Table 8 and 12 ver 2 (DEFT 00581)                                     | Relevance (FRE 402) |  |  |
| 544 | Omni Web Site Landing page with false and misleading info (DEFT 00428)        | Relevance (FRE 402) |  |  |
| 545 | Omni Web Site landing page with false and misleading information (DEFT 00429) | Relevance (FRE 402) |  |  |
| 546 | Omni Block Landing Page Aug 3 2021 (DEFT 02681)                               | Relevance (FRE 402) |  |  |

| <b>Defendants'<br/>Trial Exhibit</b> | <b>Description</b> | <b>Objections</b> | <b>Date<br/>Offered</b> | <b>Date<br/>Admitted</b> |
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|     |   |   |  |  |
|-----|---|---|--|--|
| 547 | Wayback Machine Internet Archive Omni Block Landing Page Jan 8, 2019 (DEFT 02682) | Relevance (FRE 402)   |  |  |
| 548 | Calculation Review (DEFT 03116)   | Hearsay (FRE 801, 802, 805), Lack of Foundation or Personal Knowledge (FRE 602, 901), Relevance (FRE 402) |  |  |
| 549 | Omni Block Calculation Review and analysis (DEFT 03117)                           | Hearsay (FRE 801, 802, 805), Lack of Foundation or Personal Knowledge (FRE 602, 901), Relevance (FRE 402) |  |  |
| 550 | ASTM C 236 (DEFT 00182)   | Hearsay (FRE 801, 802, 805), Lack of Foundation or Personal Knowledge (FRE 602, 901), Relevance (FRE 402) |  |  |
| 551 | ASTM Testing Invoice (DEFT 00015-00016)   | Hearsay (FRE 801, 802, 805), Lack of  |  |  |

| <b>Defendants' Trial Exhibit</b> | <b>Description</b> | <b>Objections</b> | <b>Date Offered</b> | <b>Date Admitted</b> |
|----------------------------------|--------------------|-------------------|---------------------|----------------------|
|----------------------------------|--------------------|-------------------|---------------------|----------------------|

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|-----|--|---|--|--|
|     |  | Foundation or Personal Knowledge (FRE 602, 901), Relevance (FRE 402)                                      |  |  |
| 552 | Intertek Hot Box Final Report (DEFT 00292)   | Relevance (FRE 402)   |  |  |
| 553 | ATI Intertek ASTM 1363 Final Report R Factor 12 in Block June 13 2019 (2) (DEFT 02634) | Hearsay (FRE 801, 802, 805), Lack of Foundation or Personal Knowledge (FRE 602, 901), Relevance (FRE 402) |  |  |
| 554 | USPTO information re Omni Block (DEFT 00136-00146)                                     | Relevance (FRE 402)   |  |  |
| 555 | US Patent No. 6,513,293 (DEFT 00159-00168)   | Relevance (FRE 402)   |  |  |
| 556 | Amundson Patent (DEFT 02633)   | Relevance (FRE 402)   |  |  |
| 557 | Endura Wall Blocks (DEFT 02670)  | Relevance (FRE 402)   |  |  |
| 558 | ICC Eval IMSI (DEFT 02674)   | Relevance (FRE 402)   |  |  |
| 559 | Johnson Patent (DEFT 02680)  | Relevance (FRE 402)   |  |  |
| 560 | Patent application (DEFT 02689)  | Relevance (FRE 402)   |  |  |



| <b>Defendants' Trial Exhibit</b> | <b>Description</b> | <b>Objections</b> | <b>Date Offered</b> | <b>Date Admitted</b> |
|----------------------------------|--------------------|-------------------|---------------------|----------------------|
|----------------------------------|--------------------|-------------------|---------------------|----------------------|

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| 561 | ODSY 6S1-0053 RFI 0834<br>PCO TBD 20190114 -262019<br>(DEFT 00331)                                |   |  |  |
| 562 | Omni Invoice to AMC<br>(DEFT 00130)   |   |  |  |
| 563 | Deposited check from AMC to<br>Omni for inserts (DEFT<br>00044)                                   |   |  |  |
| 564 | Photo of paid invoice to Omni<br>from AMC and Check (DEFT<br>00438)                               |   |  |  |
| 565 | Invoice to DMPS 8.9.19 from<br>Cellofoam for balance on<br>molds (DEFT 00307)                     | Relevance<br>(FRE 402)  |  |  |
| 566 | Invoice to DMPS SM001010<br>from Cellofoam for molds<br>July 2019 (DEFT 00308)                    | Relevance<br>(FRE 402)  |  |  |
| 567 | Invoice to Westbrook for<br>inserts June 2019 Advanced<br>Masonry (DEFT 00309)                    |   |  |  |
| 568 | Invoice To Westbrook Jan<br>2019 (DEFT 00311)   |   |  |  |
| 569 | Letter from Brendan to Titan<br>(DEFT 00312)  | Hearsay<br>(FRE 801,<br>802, 805),<br>Lack of<br>Foundation<br>or Personal<br>Knowledge<br>(FRE 602,<br>901),<br>Relevance<br>(FRE 402) |  |  |
| 570 | Paragraph in B Quinns<br>Contract allowing free use of<br>the molds know how etc.<br>(DEFT 00436) | Hearsay<br>(FRE 801,<br>802, 805),<br>Lack of   |  |  |

| Defendants'<br>Trial Exhibit | Description | Objections | Date<br>Offered | Date<br>Admitted |
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|     |   | Foundation or Personal Knowledge (FRE 602, 901), Relevance (FRE 402) |  |  |
| 571 | CELLOFOAM PURCHASE ORDER 640COL-1 STAIRWELL 5 (DEFT 01066)                                    | Relevance (FRE 402)  |  |  |
| 572 | Copy of Advanced Masonry Consultants- NY INSUL BLOCK – QUOTE (DEFT 01067)                     |  |  |  |
| 573 | Copy of Advanced Masonry Consultants- NY INSUL BLOCK Comparison Quote (DEFT 01068)            |  |  |  |
| 574 | Copy of JEM Contracting - 640 Columbia St - Insulated CMU- QUOTE (DEFT 01070)                 |  |  |  |
| 575 | Copy of JEM Contracting Corp- Terminal Logistics JFK- GF InsulBlock Quote (DEFT 01071)        |  |  |  |
| 576 | Copy of JEM Contracting without Pricing - 640 Columbia St - Insulated CMU- QUOTE (DEFT 01072) |  |  |  |
| 577 | Copy of JJ Matthews Inc-640 Columbia Street - GF InsulBlock Quote (DEFT 01073)                |  |  |  |
| 578 | Deposit Invoice for EPH 640 Columbia Amazon Phase 2 WHSE Nov 20 2020 (DEFT 01074)             | Lack of Foundation or Personal Knowledge (FRE 602, 901),             |  |  |

| Defendants'<br>Trial Exhibit | Description | Objections | Date<br>Offered | Date<br>Admitted |
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|     |   | Relevance<br>(FRE 402)  |  |  |
| 579 | Deposit Invoice for EPH 640<br>Columbia Amazon Phase 2<br>WHSE Nov 24 2020 (DEFT<br>01075)      | Lack of<br>Foundation<br>or Personal<br>Knowledge<br>(FRE 602,<br>901),<br>Relevance<br>(FRE 402) |  |  |
| 580 | Deposit Invoice to EPH<br>640Col-2 11 20 20 (DEFT<br>01076)                                     | Lack of<br>Foundation<br>or Personal<br>Knowledge<br>(FRE 602,<br>901),<br>Relevance<br>(FRE 402) |  |  |
| 581 | Deposit Invoice to EPH<br>640Col-3 February 12 2021<br>Block Royalty Commission<br>(DEFT 01078) | Lack of<br>Foundation<br>or Personal<br>Knowledge<br>(FRE 602,<br>901),<br>Relevance<br>(FRE 402) |  |  |
| 582 | Deposit Invoice to EPH<br>640Col-3 February 12 2021<br>Inserts Only.pdf (DEFT<br>01080)         | Lack of<br>Foundation<br>or Personal<br>Knowledge<br>(FRE 602,<br>901),<br>Relevance<br>(FRE 402) |  |  |
| 583 | Deposit Invoice to EPH<br>640Col-3 February 12 2021<br>(DEFT 01082)                             | Lack of<br>Foundation<br>or Personal<br>Knowledge<br>(FRE 602,<br>901),<br>Relevance<br>(FRE 402) |  |  |

| Defendants'<br>Trial Exhibit | Description   | Objections  | Date<br>Offered | Date<br>Admitted |
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| 584                          | InsulBlock Quote Aug 17 2020 For EPH Amazon 640 Columbia (DEFT 01091)   | Lack of Foundation or Personal Knowledge (FRE 602, 901), Relevance (FRE 402)                              |                 |                  |
| 585                          | Internal Quote for Genest JJ Matthews 05 26 2020 640 Columbia- Insulated Block CMU and Insert Quantities (DEFT 01093) | Hearsay (FRE 801, 802, 805), Lack of Foundation or Personal Knowledge (FRE 602, 901), Relevance (FRE 402) |                 |                  |
| 586                          | Invoice Insulating Inserts EPH to JEM Co 640 Columbia (DEFT 01095)  | Hearsay (FRE 801, 802, 805), Lack of Foundation or Personal Knowledge (FRE 602, 901), Relevance (FRE 402) |                 |                  |
| 587                          | Invoice Insulating Inserts EPH to JJMathews 640 Columbia (DEFT 01096)   | Hearsay (FRE 801, 802, 805), Lack of Foundation or Personal Knowledge (FRE 602, 901), Relevance (FRE 402) |                 |                  |

| Defendants'<br>Trial Exhibit | Description | Objections | Date<br>Offered | Date<br>Admitted |
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| 588 | JEM 640 Columbia 5-29-20<br>(DEFT 01098)  | Hearsay<br>(FRE 801,<br>802, 805),<br>Lack of<br>Foundation<br>or Personal<br>Knowledge<br>(FRE 602,<br>901),<br>Relevance<br>(FRE 402) |  |  |
| 589 | JEM Contracting - 640<br>Columbia St- CERT Letter<br>(DEFT 01106)   | Hearsay<br>(FRE 801,<br>802, 805),<br>Lack of<br>Foundation<br>or Personal<br>Knowledge<br>(FRE 602,<br>901),<br>Relevance<br>(FRE 402) |  |  |
| 590 | Long Insert InsulBlock Quote<br>Gradient April 14 2021 For<br>EPH Amazon 640 Columbia<br>(DEFT 01111)         | Hearsay<br>(FRE 801,<br>802, 805),<br>Lack of<br>Foundation<br>or Personal<br>Knowledge<br>(FRE 602,<br>901),<br>Relevance<br>(FRE 402) |  |  |
| 591 | Copy of JEM Contracting<br>without Pricing - 640<br>Columbia St - Insulated<br>CMU- QUOTE.XLS (DEFT<br>01115) | Hearsay<br>(FRE 801,<br>802, 805),<br>Lack of<br>Foundation<br>or Personal<br>Knowledge<br>(FRE 602,<br>901),                           |  |  |

| Defendants'<br>Trial Exhibit | Description | Objections | Date<br>Offered | Date<br>Admitted |
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|     |  | Relevance<br>(FRE 402)  |  |  |
| 592 | Pg 26 640 Columbia (DEFT 01158)                                | Hearsay<br>(FRE 801,<br>802, 805),<br>Lack of<br>Foundation<br>or Personal<br>Knowledge<br>(FRE 602,<br>901),<br>Relevance<br>(FRE 402) |  |  |
| 593 | PO Invoice to EPH 640Col-1<br>Stairwell 5 (DEFT 01161)         | Hearsay<br>(FRE 801,<br>802, 805),<br>Lack of<br>Foundation<br>or Personal<br>Knowledge<br>(FRE 602,<br>901),<br>Relevance<br>(FRE 402) |  |  |
| 594 | Profile Masonry- Product<br>Data.doc (2) (DEFT 01163)          | Hearsay<br>(FRE 801,<br>802, 805),<br>Lack of<br>Foundation<br>or Personal<br>Knowledge<br>(FRE 602,<br>901),<br>Relevance<br>(FRE 402) |  |  |
| 595 | Quote 640 Columbia Jem<br>Contracting 5 27 20 (DEFT<br>011640) | Relevance<br>(FRE 402)  |  |  |
| 596 | Quote 640 Columbia JJM -4 5<br>28 20 (DEFT 01165)              | Relevance<br>(FRE 402)  |  |  |
| 597 | Quote 640 Columbia JJM-3<br>Inc 5 28 20 (DEFT 01167)           | Relevance<br>(FRE 402)  |  |  |

| <b>Defendants' Trial Exhibit</b> | <b>Description</b> | <b>Objections</b> | <b>Date Offered</b> | <b>Date Admitted</b> |
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| 598 | Quote for EPH 640 Columbia Amazon Distribution Center Stairwell 5 - Job 20-4059 (DEFT 01168)   | Relevance (FRE 402)   |  |  |
| 599 | Quote for EPH 640 Columbia Amazon Phase 3 WHSE DEC 17 2020 (DEFT 01169)                        | Relevance (FRE 402)   |  |  |
| 600 | Quote for EPH 640 Columbia Amazon Phase 3 WHSE Jan 25 2021 (DEFT 01170)                        | Relevance (FRE 402)   |  |  |
| 601 | Quote for EPH 640 Columbia Amazon Phase 3 WHSE Jan 27 2021 (DEFT 01171)                        | Relevance (FRE 402)   |  |  |
| 602 | Quote for EPH 640 Columbia Amazon Stair 5 Phase 1 Aug 17 2020 (DEFT 01172)                     | Relevance (FRE 402)   |  |  |
| 603 | Quote for JEM 640 Columbia Phase 1 Aug 10 2020 (DEFT 01173)                                    | Relevance (FRE 402)   |  |  |
| 604 | Rad and DAprile NY WAREHOUSE INSULBLOCK Quote (DEFT 01175)                                     | Hearsay (FRE 801, 802, 805), Lack of Foundation or Personal Knowledge (FRE 602, 901), Relevance (FRE 402) |  |  |
| 605 | Short Inserts InsulBlock Quote Gradient April 14 2021 For EPH Amazon 640 Columbia (DEFT 01181) | Hearsay (FRE 801, 802, 805), Lack of Foundation or Personal Knowledge (FRE 602, 901), Relevance (FRE 402) |  |  |

| Defendants'<br>Trial Exhibit | Description | Objections | Date<br>Offered | Date<br>Admitted |
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| 606 | 640 Columbia - Combined Drawing Set - Parking Deck Revisions - 1.10.20 (DEFT 01381) |   |  |  |
| 607 | 640 Columbia Quote 1 to JEM Contracting 5 29 20 (DEFT 01630)                        | Relevance (FRE 402)   |  |  |
| 608 | 640 Columbia Quote 2 by truckload to JEM Contracting 5 27 20 (DEFT 01631)           | Relevance (FRE 402)   |  |  |
| 609 | 640 Columbia Quote 2 by truckload to JEM Contracting 5 29 20 (DEFT 01632)           | Relevance (FRE 402)   |  |  |
| 610 | AMC_10102_125pcf_ANSYS EPH (DEFT 01633)   | Hearsay (FRE 801, 802, 805), Lack of Foundation or Personal Knowledge (FRE 602, 901), Relevance (FRE 402) |  |  |
| 611 | Block configurations for Amazon (DEFT 01641)  |   |  |  |
| 612 | Block Pricing and Colors (DEFT 01643)   | Hearsay (FRE 801, 802, 805), Lack of Foundation or Personal Knowledge (FRE 602, 901), Relevance (FRE 402) |  |  |
| 613 | Block Pricing (DEFT 01644)  | Hearsay (FRE 801, 802, 805), Lack of  |  |  |



| Defendants'<br>Trial Exhibit | Description | Objections | Date<br>Offered | Date<br>Admitted |
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|     |   | Foundation or Personal Knowledge (FRE 602, 901), Relevance (FRE 402)                                      |  |  |
| 614 | Deposit Invoice to EPH 640Col-3 February 12 2021 (DEFT 01645)   | Hearsay (FRE 801, 802, 805), Lack of Foundation or Personal Knowledge (FRE 602, 901), Relevance (FRE 402) |  |  |
| 615 | InsulBlock Quote Aug 17 2020 For EPH Amazon 640 Columbia (DEFT 01654)   | Hearsay (FRE 801, 802, 805), Lack of Foundation or Personal Knowledge (FRE 602, 901), Relevance (FRE 402) |  |  |
| 616 | Internal Quote for Genest JJ Matthews 05 26 2020 640 Columbia- Insulated Block CMU and Insert Quantities (DEFT 01656) | Hearsay (FRE 801, 802, 805), Lack of Foundation or Personal Knowledge (FRE 602, 901), Relevance (FRE 402) |  |  |
| 617 | Internal Quote- JJ Matthews 05 26 2020 640 Columbia-  | Hearsay (FRE 801,   |  |  |

| Defendants'<br>Trial Exhibit | Description | Objections | Date<br>Offered | Date<br>Admitted |
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|     | Insulated Block CMU and Insert Quantities.XLSX (DEFT 01657)           | 802, 805), Lack of Foundation or Personal Knowledge (FRE 602, 901), Relevance (FRE 402)                   |  |  |
| 618 | Invoice Insulating Inserts EPH to JEM Co 640 Columbia (DEFT 01658)    | Hearsay (FRE 801, 802, 805), Lack of Foundation or Personal Knowledge (FRE 602, 901), Relevance (FRE 402) |  |  |
| 619 | Invoice Insulating Inserts EPH to JJMathews 640 Columbia (DEFT 01659) | Hearsay (FRE 801, 802, 805), Lack of Foundation or Personal Knowledge (FRE 602, 901), Relevance (FRE 402) |  |  |
| 620 | Invoice W0908370251 Thermal Testing Amazon 640 Columbia (DEFT 01660)  | Hearsay (FRE 801, 802, 805), Lack of Foundation or Personal Knowledge (FRE 602, 901), Relevance (FRE 402) |  |  |

| <b>Defendants' Trial Exhibit</b> | <b>Description</b> | <b>Objections</b> | <b>Date Offered</b> | <b>Date Admitted</b> |
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| 621 | JEM 640 Columbia 5-29-20 (DEFT 01661)  | Hearsay (FRE 801, 802, 805), Lack of Foundation or Personal Knowledge (FRE 602, 901), Relevance (FRE 402) |  |  |
| 622 | JEM Contracting - 640 Columbia St- CERT Letter (DEFT 01669)                                  | Hearsay (FRE 801, 802, 805), Lack of Foundation or Personal Knowledge (FRE 602, 901), Relevance (FRE 402) |  |  |
| 623 | Long Insert InsulBlock Quote Gradient April 14 2021 For EPH Amazon 640 Columbia (DEFT 01674) | Hearsay (FRE 801, 802, 805), Lack of Foundation or Personal Knowledge (FRE 602, 901), Relevance (FRE 402) |  |  |
| 624 | Email chain dated 7/22/2019 re Itinerary for Ed's visit (DEFT 00067-00068)                   | Hearsay (FRE 801, 802, 805), Lack of Foundation or Personal Knowledge (FRE 602, 901),                     |  |  |

| <b>Defendants'<br/>Trial Exhibit</b> | <b>Description</b> | <b>Objections</b> | <b>Date<br/>Offered</b> | <b>Date<br/>Admitted</b> |
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|     |   | Relevance<br>(FRE 402)  |  |  |
| 625 | Weinmann itinerary for NJ trip (DEFT 00133)                               | Hearsay<br>(FRE 801,<br>802, 805),<br>Lack of<br>Foundation<br>or Personal<br>Knowledge<br>(FRE 602,<br>901),<br>Relevance<br>(FRE 402) |  |  |
| 626 | Weinmann Am Ex statement 7/12/2019 (DEFT -00135)                          | Relevance<br>(FRE 402)  |  |  |
| 627 | Weinmann Cell Phone Records Oct. 15, 2018-Feb. 15, 2020 (DEFT 02745-3114) | Relevance<br>(FRE 402)  |  |  |
| 628 | Omni Block Answers to First Set of Interrogatories from AMC               |   |  |  |
| 629 | Omni Block Answers to First Set of Interrogatories from Weinmann          |   |  |  |

# EXHIBIT 2

| <b>(Plaintiffs' Trial Exhibits)</b> | <b>Description</b>  | <b>Objection and Reasons</b>  | <b>Date Identified</b> | <b>Date Admitted</b> |
|-------------------------------------|---|---|------------------------|----------------------|
| 1.                                  | Independent Contractor Agreement<br>[PLAINTIFF 000001-PLAINTIFF 000010]   |   |                        |                      |
| 2.                                  | Declaration of Robert Carmody in support of Plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction | Hearsay (FRE 801, 802, 805), Lack of Foundation or Personal Knowledge (FRE 602, 901), Relevance (FRE 402)               |                        |                      |
| 3.                                  | Advanced Masonry Consulting, Inc. invoice to Reyco<br>[PLAINTIFF 000588]  |   |                        |                      |
| 4.                                  | Email between Denny Miller and Virna L. Reynoso dated July 21, 2021<br>[PLAINTIFF 000606-PLAINTIFF 000607]                | Hearsay (FRE 801, 802, 805), Lack of Foundation or Personal Knowledge (FRE 602, 901), Requires Authentication (FRE 901) |                        |                      |

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| 5.  | Declaration of Sean Delaney in support of Plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction [PLAINTIFF 000635-PLAINTIFF 000637] | Hearsay (FRE 801, 802, 805);Lack of Foundation or Personal Knowledge (FRE 602, 901)  |  |  |
| 6.  | Declaration of John Maher in support of Plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction [PLAINTIFF 000638-PLAINTIFF 000639]   | Hearsay (FRE 801, 802, 805); Lack of Foundation or Personal Knowledge (FRE 602, 901) |  |  |
| 7.  | Florida Silica Sand Company quotes [PLAINTIFF 000769-PLAINTIFF 000772]  |  |  |  |
| 8.  | Email between Ed Weinmann and Kurt Trump dated February 22, 2019 [PLAINTIFF 001111 – PLAINTIFF 001118]  |  |  |  |
| 9.  | AMC PO to Titan America dated February 28, 2019 [PLAINTIFF 001127]  |  |  |  |
| 10. | Email between Ed Weinmann and Kurt Trump dated March 19, 2019 [PLAINTIFF 001140 – PLAINTIFF 001142]   |  |  |  |

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| 11. | Titan block quotation to Ed Weinmann<br>[PLAINTIFF 001169]                         | Lack of Foundation or Personal Knowledge (FRE 602, 901), Requires Authentication (FRE 901)  |  |  |
| 12. | Email between Ed Weinmann and Kurt Trump dated April 9, 2019<br>[PLAINTIFF 001229] | Incomplete (FRE 106 & 403); Hearsay (FRE 801, 802, 805); Lack of Foundation or Personal Knowledge (FRE 602, 901); Requires Authentication (FRE 901) |  |  |
| 13. | Titan block Special Order & Quote Form<br>[PLAINTIFF 001243]                       | Hearsay (FRE 801, 802, 805); Lack of Foundation or Personal Knowledge (FRE 602, 901); Requires Authentication (FRE 901)                             |  |  |



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| 14. | Email between Don Zuhr and Ed Weinmann dated April 24, 2019<br>[PLAINTIFF 001249 – PLAINTIFF 001250] | Hearsay (FRE 801, 802, 805); Lack of Foundation or Personal Knowledge (FRE 602, 901); Requires Authentication (FRE 901)                             |  |  |
| 15. | Email between Ed Weinmann and Don Zuhr dated June 12, 2019<br>[PLAINTIFF 001325 – PLAINTIFF 001326]  | Incomplete (FRE 106 & 403); Hearsay (FRE 801, 802, 805); Lack of Foundation or Personal Knowledge (FRE 602, 901); Requires Authentication (FRE 901) |  |  |
| 16. | Email between Ed Weinmann and Mike Acevedo dated October 3, 2019<br>[PLAINTIFF 001442]               |   |  |  |
| 17. | Titan invoice<br>[PLAINTIFF 001446]  | Lack of Foundation or Personal Knowledge (FRE 602, 901); Requires Authentication (FRE 901)  |  |  |

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| 18. | Emails between Virna Reynoso and Ed Weinmann dated October 3, 2019 to October 9, 2019<br>[PLAINTIFF 001463 – PLAINTIFF 001465]                                  | Hearsay (FRE 801, 802, 805); Lack of Foundation or Personal Knowledge (FRE 602, 901); Requires Authentication (FRE 901)                             |  |  |
| 19. | Email between Ed Weinmann and Don Zuhr dated April 1, 2020<br>[PLAINTIFF 001484 – PLAINTIFF 001490]   |   |  |  |
| 20. | Emails between Ed Weinmann and Joe Dudley of Florida Silicon Sand Company dated December 26, 2018 and December 27, 2018<br>[PLAINTIFF 001560- PLAINTIFF 001562] | Incomplete (FRE 106 & 403); Hearsay (FRE 801, 802, 805); Lack of Foundation or Personal Knowledge (FRE 602, 901); Requires Authentication (FRE 901) |  |  |
| 21. | Email between Ed Weinmann and Joe Dudley of Florida Silicon Sand Company dated January 2, 2019<br>[PLAINTIFF 001568]  |   |  |  |

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| 22. | Email between Ed Weinmann and Joe Dudley of Florida Silicon Sand Company dated January 4, 2019<br>[PLAINTIFF 001591]                      |  |  |  |
| 23. | Email between Ed Weinmann and Joe Dudley of Florida Silicon Sand Company dated January 16, 2019<br>[PLAINTIFF 001619]                     |  |  |  |
| 24. | Email between Ed Weinmann and Joe Dudley of Florida Silicon Sand Company dated February 4, 2019<br>[PLAINTIFF 001628]                     |  |  |  |
| 25. | Proposed License Agreement between Advanced Masonry Consulting and Florida Silica Sand Company<br>[PLAINTIFF 001629-<br>PLAINTIFF 001647] |  |  |  |
| 26. | Email between Ed Weinmann and Denny Miller dated February 27, 2019<br>[DEFT 00203]  |  |  |  |
| 27. | Email between Ed Weinmann and Denny Miller dated March 1, 2019<br>[DEFT 00201]  |  |  |  |

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| 28. | Northwest Testing Laboratories, Inc.'s test results<br>[DEFT 00182 – DEFT 00183] |  |  |  |
| 29. | Cellfoam Mold Invoice dated July 2, 2019<br>[DEFT 00308]                         | Lack of Foundation or Personal Knowledge (FRE 602, 901); Requires Authentication (FRE 901) |  |  |
| 30. | Omni Block with labels<br>[DEFT 00339]   |  |  |  |
| 31. | Omni Block brochure<br>[DEFT 00340 – DEFT 00345]                                 |  |  |  |
| 32. | Reyco Invoice from Advanced Masonry Consulting<br>[DEFT 00439]                   |  |  |  |
| 33. | Termination agreement<br>[DEFT 00462]  |  |  |  |
| 34. | Westbrook Licensing Agreement<br>[DEFT 01034 – DEFT 01053]                       |  |  |  |
| 35. | Copy of AMC Quote<br>[DEFT 01067]  |  |  |  |

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| 36. | Copy of AMC Quote<br>[DEFT 01068]                        |   |  |  |
| 37. | Copy of Block Quantities<br>[DEFT 01069]                 | Lack of<br>Foundation or<br>Personal<br>Knowledge<br>(FRE 602,<br>901)  |  |  |
| 38. | Copy of JEM Contracting<br>[DEFT 01070]                  | Lack of<br>Foundation or<br>Personal<br>Knowledge<br>(FRE 602,<br>901)  |  |  |
| 39. | Copy of JEM Contracting<br>[DEFT 01071]                  |   |  |  |
| 40. | Deposit Invoice EP Henry<br>[DEFT 01075]                 |   |  |  |
| 41. | Deposit Invoice EP Henry<br>[DEFT 01082 – DEFT<br>01083] |   |  |  |
| 42. | Energy Drawings<br>[DEFT 01084 – DEFT<br>01090]          | Lack of<br>Foundation or<br>Personal<br>Knowledge<br>(FRE 602,<br>901); Requires<br>Authentication<br>(FRE 901) |  |  |
| 43. | Quote EP Henry<br>[DEFT 01169]                           |   |  |  |

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| 44. | Energy Report<br>[DEFT 01184 – DEFT 01378]                                   | Hearsay (FRE 801, 802, 805); Lack of Foundation or Personal Knowledge (FRE 602, 901) |  |  |
| 45. | AMC Insul-block<br>[DEFT 01633 – DEFT 01640]                                 |  |  |  |
| 46. | Block Configuration<br>[DEFT 01641]  | Hearsay (FRE 801, 802, 805); Lack of Foundation or Personal Knowledge (FRE 602, 901) |  |  |
| 47. | Block Count<br>[DEFT 01642]  |  |  |  |
| 48. | EP Henry quote<br>[DEFT 02209]   |  |  |  |
| 49. | Thermal Performance Test Report<br>[DEFT 02634 – DEFT 02647]                 |  |  |  |
| 50. | Titan Consulting Agreement<br>[DEFT 02666 – DEFT 02667]                      |  |  |  |
| 51. | Weinmann Cash Disbursements Journal<br>[PLAINTIFF 000642 – PLAINTIFF 000690] |  |  |  |

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| 52. | Social Media Post by JJ Matthews, Inc.<br>[PLAINTIFF 000586]                                       | Hearsay (FRE 801, 802, 805); Lack of Foundation or Personal Knowledge (FRE 602, 901); Requires Authentication (FRE 901) |  |  |
| 53. | Odyssey Global Letter<br>[PLAINTIFF 000603 – PLAINTIFF 000605]                                     |   |  |  |
| 54. | Hensel Phelps Proposal<br>[PLAINTIFF 000613 – PLAINTIFF 000635]                                    | Hearsay (FRE 801, 802, 805); Lack of Foundation or Personal Knowledge (FRE 602, 901); Requires Authentication (FRE 901) |  |  |
| 55. | Weinmann email to Jett Miller dated August 20, 2019<br>[PLAINTIFF 000612]                          | Negotiations relating to settlement or compromise (FRE 408)   |  |  |
| 56. | Miller, Weinmann and Matt Krstolic emails dated 2018-2021<br>[PLAINTIFF 000596 – PLAINTIFF 000599] | Hearsay (FRE 801, 802, 805); Lack of Foundation or Personal Knowledge (FRE 602, 901); Requires Authentication (FRE 901) |  |  |

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| 57. | Photos of Omni Block delivered to Orlando International Airport [PLAINTIFF 000588-PLAINTIFF 000593]                 | Lack of Foundation or Personal Knowledge (FRE 602, 901); Requires Authentication (FRE 901) |  |  |
| 58. | Emails between Weinmann and Arteaga dated October 15, 2018 [PLAINTIFF 000600 – PLAINTIFF 000602]                    | Hearsay (FRE 801, 802, 805)  |  |  |
| 59. | Omni Block Inc.’s certificate of trademark registration for Omni Block – Registration No. 6063248 [Judicial Notice] |  |  |  |
| 60. | Edward Weinmann’s Responses to Plaintiffs’ Request for Production of Documents (set one)                            |  |  |  |
| 61. | Edward Weinmann’s Responses to Plaintiffs’ Interrogatories (set one)  |  |  |  |